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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

Hoseong Ryu,

Plaintiff,

v.

Intel Corporation,
2200 Mission College Boulevard
RNB-5-125
Santa Clara, California 95054

Serve Registered Agent:
CT Corporation System
818 W 7th Street, #930
Los Angeles, California 90017

Defendant.

Case No.: _____

**COMPLAINT AND DEMAND FOR
JURY TRIAL**

CIVIL COMPLAINT AND DEMAND FOR JURY TRIAL

1. Defendant Intel Corporation subjected Plaintiff Hoseong Ryu to unlawful discrimination under Title VII of the Civil Rights Act of 1964 on the basis of his national origin (Korean).

2. Defendant Intel Corporation subjected Plaintiff Hoseong Ryu to unlawful discrimination under Title VII of the Civil Rights Act of 1964 on the basis of race (East Asian/Korean).

3. Defendant Intel Corporation subjected Plaintiff Hoseong Ryu to unlawful discrimination under Section 1981 the Civil Rights Act of 1866 on the basis of his race (East Asian/Korean).

4. Defendant Intel Corporation subjected Plaintiff Hoseong Ryu to unlawful discrimination in violation of the California Fair Employment and Housing Act on the basis of his national origin (Korean).

5. Defendant Intel Corporation subjected Plaintiff Hoseong Ryu to unlawful discrimination in violation of the California Fair Employment and Housing Act on the basis of his race (East Asian/Korean).

Parties

6. Plaintiff Hoseong Ryu is a resident of Poway, California. At all times relevant to this action, Ryu was an employee of Intel Corporation.

7. Defendant Intel Corporation is a Delaware corporation with its principal place of business located at 2200 Mission College Boulevard, RNB-5-125, Santa Clara, California 95054.

Jurisdiction and Venue

8. The Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1331 because it is a case arising under the laws of the United States of America, namely Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000-e, *et seq.* and Section 1981 of the Civil Rights Act of 1866, 42 U.S.C. § 1981, *et seq.*

1 Bisgaard (who is originally from Denmark), and John Cuder. During this interview,
2 Matta posed a question to Ryu to the effect of, “I see you are from Korea. I know a
3 Korean man named Sung Won Bin. Do you happen to know him?”

4 15. After the interview, Matta discouraged the hiring of Ryu. Matta made a
5 statement to Cuder to the effect that Intel should not hire Ryu because he was “Korean,
6 married, and had a child.” Matta further made a statement to Cuder to the effect of “It
7 would be easier to hire a younger, unmarried Indian man.”

8 16. Intel ultimately hired Ryu.

9 17. Ryu began employment at Intel in about September 2014 and worked on the
10 System Integration Team. Throughout Ryu’s employment, the demographics of the
11 worksite and its management have been heavily skewed toward employees from India or
12 people of Indian or south-Asian descent.

13 18. Ryu observed that management of the team openly favored the hiring and
14 promotion of employees from India or of Indian or south-Asian descent.

15 19. Former Senior Firmware Engineer Ravi Gopalan, who is of Indian descent
16 and was a member of the management of Ryu’s team, openly favored the hiring and
17 promotion of only employees from India. Gopalan’s stated rationale was that “Indians
18 work hard” and “Indians are harder workers.” Gopalan also encouraged Ryu’s former
19 supervisor, Peter Bisgaard, to hire only Indian employees.

20 20. Throughout Ryu’s tenure, management of the System Integration Team,
21 which is primarily composed of managers from India, has openly shown favoritism
22 toward employees from India or of Indian or south-Asian descent regarding the use of
23 vacation and leave. Most employees who are not Indian or south-Asian receive only two
24 to three weeks of vacation or leave per year. But employees who are originally from India
25 or of Indian descent typically receive additional leave time and sometimes receive as
26 much as five or six weeks of leave per year.

27 21. In or about December 2017, Ryu met with then Joint Team Manager of the
28 System Integration Team Srikanth Amaraneni (who is originally from India). At that

1 time, the System Integration Team consisted of both platform engineers and system
2 integration engineers. Amaraneni told Ryu that there would likely be a reorganization to
3 the team and that there might be a possibility for Ryu to take a management track. Ryu
4 indicated his interest in a potential management track at that time. During this
5 conversation, Amaraneni did not offer specific details about when a reorganization might
6 happen or any potential new positions that Intel might create as a part of a reorganization.

7 22. Amaraneni hosted a meeting of the System Integration Team in about early
8 January 2018. During the meeting, Amaraneni announced that there would soon be a
9 reorganization of the team. Amaraneni made no statements during the meeting regarding
10 any new positions that Intel would create as a result of the reorganization.

11 23. On or about February 6, 2018, Senior Engineering Manager Aravind
12 Mahishi (who is originally from India) made a telephone call to Ryu and asked a question
13 to the effect of “How is the team doing?” Mahishi told Ryu that there might be some
14 growth coming to the team. Mahishi made no mention during this telephone call of any
15 potential new management positions.

16 24. On or about February 9, 2018, Intel named Ramesh Kondru (who is from
17 India) as Manager of the System Integration Team. This position was a promotion for
18 Kondru. Kondru had previously worked as a system debugger. By contrast, Ryu had
19 worked as an integration engineer and had served as a de facto manager of the team for
20 about 18 months prior to Kondru’s promotion. Ryu had also established the System
21 Integration live test rack for Intel in the United States. By contrast, Kondru had no
22 management experience and had significantly less experience with system integration
23 than Ryu.

24 25. As a result of this promotion, Kondru now has personnel decisionmaking
25 authority and has the ability to exercise management discretion within the organization.

26 26. On or about March 2, 2018, Ryu initiated an internal Open Door
27 Investigation at Intel in which he alleged that his non-promotion in favor of Kondru was
28 retaliation by Amaraneni based upon a previous complaint to Human Resources about

1 Amaraneni. Intel's Open Door Investigation was inconclusive and revealed that the job
2 had been offered exclusively to Kondru.

3 27. Subsequently, Ryu filed a charge of discrimination with the Equal
4 Employment Opportunity Commission on or about May 1, 2018 and cross-filed that
5 charge with the California Department of Fair Housing and Employment.

6 28. On May 1, 2018, the California DFEH issued Ryu a Notice of Right to Sue
7 and deferred its own investigation to the EEOC. On April 19, 2019, the EEOC issued
8 Ryu a Notice of Dismissal and Right to Sue.

9 **COUNT I**

10 **National Origin Discrimination**

11 **Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, *et seq.***

12 29. Ryu incorporates the allegations in the foregoing paragraphs as though
13 alleged fully herein.

14 30. At all times relevant to this Complaint, Intel was an employer as defined in
15 and provided for under Title VII.

16 31. At all times relevant to this Complaint, Ryu was an employee as defined in
17 and provided for under Title VII.

18 32. Ryu's national origin is Korean, which is a protected class under Title VII.

19 33. Throughout the course of his employment, Ryu has worked in an
20 environment with management that favors employees who are from India or are of Indian
21 or south-Asian descent and disfavors employees who do not fall into that category.

22 34. Intel subjected Ryu to an adverse employment action when it failed to
23 inform him of the possibility of a promotion to the position of Manager of System
24 Integration in February 2018.

25 35. Intel subjected Ryu to an adverse employment action when it failed to
26 promote him to the position of Manager of System Integration in February 2018.

27 36. Intel instead promoted an employee who is from India named Ramesh
28 Kondru.

37. Ryu held superior qualifications for the position over Kondru.

38. Intel's actions against Ryu occurred under circumstances that give rise to a reasonable inference of discrimination.

39. Intel's purported legitimate business reasons for the actions taken against Ryu are mere pretext.

40. Due to Intel's unlawful discrimination, Ryu has suffered damages, emotional distress, and harm to his reputation.

COUNT II

Race Discrimination

Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, et seq.

41. Ryu incorporates the allegations in the foregoing paragraphs as though alleged fully herein.

42. At all times relevant to this Complaint, Intel was an employer as defined in and provided for under Title VII.

43. At all times relevant to this Complaint, Ryu was an employee as defined in and provided for under Title VII.

44. Ryu's race is East Asian, which is a protected class under Title VII.

45. Throughout the course of his employment, Ryu has worked in an environment with management that favors employees who are from India or are of Indian or south-Asian descent and disfavors employees who do not fall into that category.

46. Intel subjected Ryu to an adverse employment action when it failed to inform him of the possibility of a promotion to the position of Manager of System Integration in February 2018.

47. Intel subjected Ryu to an adverse employment action when it failed to promote him to the position of Manager of System Integration in February 2018.

48. Intel instead promoted an employee who is from India named Ramesh Kondru.

49. Ryu held superior qualifications for the position over Kondru.

62. Intel's actions against Ryu occurred under circumstances that give rise to a reasonable inference of discrimination.

63. Intel's purported legitimate business reasons for the actions taken against Ryu are mere pretext.

64. Due to Intel's unlawful discrimination, Ryu has suffered damages, emotional distress, and harm to his reputation.

COUNT IV

National Origin Discrimination

California Fair Housing and Employment Act, Cal. Gov't Code § 12940, *et seq.*

65. Ryu incorporates the allegations in the foregoing paragraphs as though alleged fully herein.

66. At all times relevant to this complaint, Ryu was an employee as defined by the California FEHA.

67. At all times relevant to this complaint, Intel was a covered employer under the California FEHA.

68. Ryu's national origin is Korean, which is a protected class under the California FEHA.

69. Throughout the course of his employment, Ryu has worked in an environment with management that favors employees who are from India or are of Indian or south-Asian descent and disfavors employees who do not fall into that category.

70. Intel subjected Ryu to an adverse employment action when it failed to inform him of the possibility of a promotion to the position of Manager of System Integration in February 2018.

71. Intel subjected Ryu to an adverse employment action when it failed to promote him to the position of Manager of System Integration in February 2018.

72. Intel instead promoted an employee who is from India named Ramesh Kondru.

73. Ryu held superior qualifications for the position over Kondru.

1 86. Ryu's race was a substantial motivating reason for Intel's actions against
2 him.

3 87. Intel's purported legitimate business reasons for the actions taken against
4 Ryu are mere pretext.

5 88. Due to Intel's unlawful discrimination, Ryu has suffered damages, emotional
6 distress, and harm to his reputation.

7 **PRAYER FOR RELIEF**

8 Based on the foregoing, Ryu respectfully requests that this Court award him the
9 following relief against Intel Corporation:

- 10 A. Economic damages in an amount to be proved at trial;
11 B. Compensatory, non-economic damages;
12 C. Equitable relief;
13 D. Exemplary and Punitive damages;
14 E. Pre-judgment interest;
15 F. Reasonable attorneys' fees;
16 G. Court costs; and
17 H. Any other such relief that the Court may deem just and equitable.

18 **JURY DEMAND**

19 Plaintiff Hoseong Ryu demands a trial by jury for any and all issues proper to be
20 tried.

21 Respectfully submitted,

22
23 /s/ Gail A. Glick

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